

PATENT
Serial No. 10/052,768
Docket No. 2565/94

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Uwe Hahmann et al.
SERIAL NO. : 10/052,768
FILED : January 18, 2002
PATENT NO. : 6,858,137
ISSUED : February 22, 2005
FOR : CLOSURE ELEMENT

Commissioner of Patents and Trademarks
Technology Center 1723 / Examiner Sun Kim
Alexandria, Virginia 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner of Patents and Trademarks,
Technology Center 1723 / Examiner Sun Kim, Alexandria,
VA 22313-1450 on

Date: 25 April 2005

Signature: [Handwritten Signature]

PETITION UNDER 37 C.F.R. 1.182

Sir:

On March 4, 2005, Applicants filed a Request for Certificate of Correction Pursuant to 37 C.F.R. 1.322 in order to correct the error of co-inventor's name, Mr. Igor Raiko, being omitted from the above-referenced patent.

On March 24, 2005, a PTO Decision was issued indicating that Applicants' request was denied.

The basis for denying Applicants' request for correction was the mistaken assumption that Applicant had not submitted a signed declaration by the co-inventor, Igor Raiko, at the time that the application was filed. In fact, Applicant did submit a signed declaration by the co-inventor, Igor Raiko, at the time that the application was filed.

Applicants enclose with this Petition a copy of Applicant's "Response to Notice of Missing Parts of Application – Filing Date Granted" as submitted on March 11, 2002 (including stamped, return receipt postcard), along with the signed declaration of all of the inventors that was submitted with the Response. The submission included a signed declaration of Igor Raiko, dated January 28, 2000. Thus, Igor Raiko was correctly identified by the Applicant as a co-inventor of the application at the time the application was filed. Therefore, no petition under 37 C.F.R. 1.324 should be necessary in order to have Igor Raiko identified as a co-inventor of the application..

Accordingly, Applicants respectfully request that this Petition be granted, and that a Certificate of Correction be issued.

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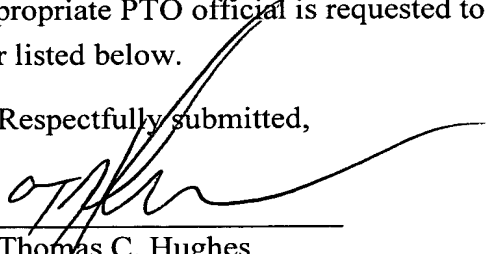
The Commissioner is authorized to charge the appropriate petition fee of \$130.00 under 37 C.F.R. 1.17(h) for this petition, and any other fees deemed necessary, to Kenyon & Kenyon Deposit Account No. 11-0600. A copy of this sheet is attached hereto.

Should there be any questions, the appropriate PTO official is requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

Dated: 26 April 2005

By:


Thomas C. Hughes
(Reg. No. 42,674)

KENYON & KENYON
One Broadway
New York, NY 10004-1050

(212) 425-7200 (phone)
(212) 425-5288 (facsimile)

Attachment: "Response to Notice of Missing Parts of Application – Filing Date Granted"
as submitted on March 11, 2002
Declarations of all co-inventors, including Igor Raiko
Stamped, return receipt postcard

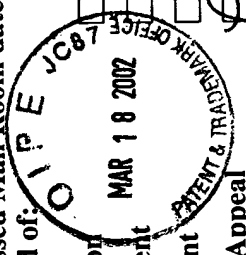
Case No. 3305/94

Atty. DIG

Ser. No. 10/052,708

Due Date 3/11/02

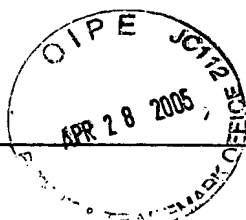
The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:



- ☐ Application
- ☐ Extension Request
- ☐ Amendment
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- ☐ Issue Fee
- ☒ Notice of Appeal
- ☒ Declaration
- ☐ Prior Art Statement
- ☐ Small Entity
- ☐ Appeal Brief

Amusing Parts

Dep Accd 11-0600



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF APPLICATION -- FILING DATE GRANTED**

Docket Number:
2565/94

Application Number
10/052,768

Filing Date
January 18, 2002

Examiner
Not Yet Assigned

Art Unit
1723

Invention Title
CLOSURE ELEMENT

Inventor(s)
HAHMANN, et al.

Address to:
Assistant Commissioner for Patents
Washington D.C. 20231
Box Missing Parts

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231 on

Date: 3/11/02 Reg. No. 46,739

Signature: 
David I. Greenbaum

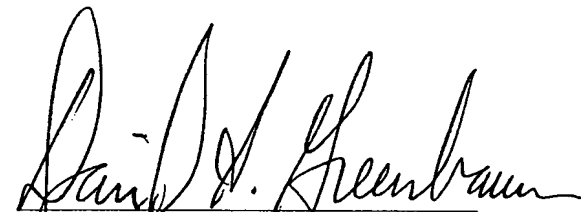
Sir:

In response to the Notice to File Missing Parts mailed February 8, 2002, applicants enclose:

- 1.) A copy of the Notice to File Missing Parts ("Notice"), mailed February 8, 2002.
- 2.) Pursuant to 37 C.F.R. § 1.63(d)(1)(i), enclosed is a copy of the executed Declaration and Power of Attorney from U.S. Serial No. 09/441,182, filed November 15, 1999, of which the subject application is a continuation application.
- 3.) The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.16(e) surcharge fee of **\$130.00** to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**. The Commissioner is also authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 11-0600.
- 4.) A duplicate copy of this sheet is enclosed.

Dated: 3/11/02

By:


David I. Greenbaum (Reg. No. 46,739)
KENYON & KENYON
One Broadway
New York, N.Y. 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original and first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **CLOSURE ELEMENT**, application of which was filed in the United States Patent and Trademark Office on November 15, 1999, under Serial No. 09/441,182.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

<u>19852557.5</u>	<u>Germany</u>	<u>13 November 1998</u>	Yes <u>x</u>	No <u> </u>
(Number)	(Country)	(Day/month/year filed)	Priority Claimed	Under 35 USC 119

I acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

And I hereby appoint Richard L. Mayer (Registration No. 22,490) and Thomas J. Meloro (Registration No. 33,538) my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.


Please address all communications regarding this application to:

Richard L. Mayer, Esq.
KENYON & KENYON
One Broadway
New York, New York 10004

Direct all telephone calls to Richard L. Mayer at (212) 425-7200.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor: **Uwe HAHMANN**

Inventor's Signature: 

Date: 26.01.00

Residence: Feldstr. 36
 D-61352 Bad Homburg
 Federal Republic of Germany

Citizenship: German

Post Office Address: Same address as above

Inventor: Christian SAUERWALD

Inventor's Signature: Sauerwald

Date: 26.1.2000

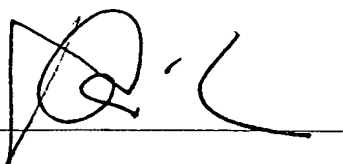
Residence: Biermannsstrasse 1b
D-66606 St. Wendel
Federal Republic of Germany

Citizenship: German

Post Office Address: Same address as above

Inventor: **Klaus HEILMANN**

Inventor's Signature: _____

A handwritten signature, likely 'K. Heilmann', written in dark ink over a horizontal line.

Date: 22. 2. 00

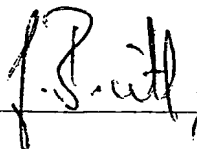
Residence: Heideweg 1
D-66606 St. Wendel
Federal Republic of Germany

Citizenship: German

Post Office Address: Same address as above

Inventor: **Gerhard BREITH**

Inventor's Signature: _____



Date: 28.02.00

Residence: Hauptstrasse 73
 D-66953 Pirmasens
 Federal Republic of Germany

Citizenship: German

Post Office Address: Same address as above

Inventor: **Steffen FRITZSCHE**

Inventor's Signature:

Steffen Fritzsche

Date:

28 January 2000

Residence:

Olga-Schwindt-Weg 9

D-66636 Tholey

Federal Republic of Germany

Citizenship: German

Post Office Address: Same address as above

Inventor: Igor RAIKO

Inventor's Signature: *R*

Date: 28.01.2000

Residence: Keltenring 17
 D-66606 St. Wendel
 Federal Republic of Germany

Citizenship: ~~Republic of Azerbaidzhan~~ *Federation of Russia* (Corr. 28.01.2000
Post Office Address: Same address as above

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